

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Bankruptcy Case No.04-34323 - TPA
	:	
	:	Chapter 13
Jeanine Lee Jackson,	:	
	:	
Debtor	:	
	:	
North American Trading Group,	:	Document No. _____
	:	
Movant,	:	
	:	
Jeanine Lee Jackson and	:	
Ronda J. Winnecour, Trustee,	:	
	:	
Respondents.	:	

**MOTION FOR ORDER DIRECTING PAYMENT OF FUNDS TO
CREDITOR/CLAIMANT PURSUANT TO 11 U.S.C.A. §347
AND 28 U.S.C.A. §2041, *et. seq.***

AND NOW comes North American Trading Group, Inc. (“Claimant”) by and through its attorneys Sherrard, German & Kelly, P.C., Paul David Burke, Esquire and Sharon M. Menchyk, Esquire and files the within Motion for Order Directing Payment of Funds to Creditor/Claimant Pursuant to 11 U.S.C.A. §347 and 28 U.S.C.A. §2041, *et. seq.* as follows:

1. Claimant is the successor in interest to Debtor’s creditor Kondaur Capital Corporation (“Kondaur”) by virtue of an Assignment of Mortgage dated April 2, 2009. A copy of the Assignment of Mortgage is attached hereto as Exhibit A.

2. Kondaur filed a claim in Debtor’s bankruptcy action on the claims register in this matter.

3. Kondaur transferred its claim to Claimant on July 2, 2010. A Transfer of Claim other than for Security was filed on July 6, 2010 in this action.

4. The Office of the Chapter 13 Trustee, Western District of Pennsylvania issued payment to Kondaur in the amount of \$3,614.52. *See* Letter dated June 18, 2010 from the Trustee's Office to the Clerk of the U.S. Bankruptcy Court attached hereto as Exhibit B.

5. Kondaur returned said payment to the Trustee. *See id.*

6. The Trustee then paid the funds into Court for disposition by the Court. *See id.*

7. Claimant, as the successor in interest to Kondaur, is a creditor of Debtor and was due to receive the funds which the Trustee did, in fact, attempt to distribute to Claimant's predecessor in interest Kondaur.

8. Because of the assignment of the mortgage and the filing of the transfer of the claim after payment had been attempted by the Trustee and the funds deposited into Court, Claimant did not receive the funds it was due.

9. Pursuant to 11 U.S.C.A. §347 and chapter 129 of Title 28, United States Code, the Claimant requests that the Court issue an order directing payment to the Claimant and that payment be made in care of Claimant's attorney.

WHEREFORE, Claimant requests that this Honorable Court issue an order directing payment of all funds held by the Court, totaling \$3,614.52, in this case and for such further and other relief as is just and appropriate.

Respectfully submitted,

SHERRARD, GERMAN & KELLY, P.C.

By: /s/ Sharon M. Menchyk, Esquire
Sharon M. Menchyk, Esquire
Attorney for Claimant, North American
Trading Group, Inc.

28th Floor, Two PNC Plaza
Pittsburgh, PA 15222
(412) 355-0200